

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

UNITED STATES OF AMERICA : INFORMATION

- v. - : S8 07 Cr. 378 (SHS)

RAFAEL PEREZ, :

a/k/a "El Tio,"

a/k/a "Rafael Rivera," :

Defendant. :

- - - - - x

COUNT ONE

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: DEC 27 2007

The United States Attorney charges:

1. From in or about January 2006, up to and including in or about January 2007, in the Southern District of New York and elsewhere, RAFAEL PEREZ, a/k/a "El Tio," a/k/a "Rafael Rivera," the defendant, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that RAFAEL PEREZ, a/k/a "El Tio," a/k/a "Rafael Rivera," the defendant, and others known and unknown, would and did distribute, and possess with intent to distribute, a controlled substance, to wit, 100 grams and more of mixtures and substances containing a detectable amount of heroin, in violation of

Sections 812, 841(a)(1), and 841(b)(1)(B) of Title 21, United States Code.

OVERT ACTS

3. In furtherance of the conspiracy, and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

a. On or about August 11, 2006, RAFAEL PEREZ, a/k/a "El Tio," a/k/a "Rafael Rivera," the defendant, met with a co-conspirator not named as a defendant herein in the vicinity of 2766 Barnes Avenue, in the Bronx, New York, to conduct a narcotics transaction.

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATION

4. As a result of committing the controlled substance offense alleged in Count One of this Information, RAFAEL PEREZ, a/k/a "El Tio," a/k/a "Rafael Rivera," the defendant, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendant obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count One of this Information.

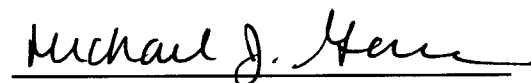
Substitute Asset Provision

5. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant --

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1), 846 and 853.)


MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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(Title 21, United States Code,
Section 846.)

MICHAEL J. GARCIA
United States Attorney.

12/27/07
Fid Int + Name of Int. Asset Benjamin
Nathaniel pres. Def Rafael Perez pres w/ attorney
Martin Siegel. Consent to proceed to trial
filed. 10/11, grant entry to Int. Def
Conf. document
My Wife Vanya